

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EMERALD INNOVATIONS LLC,)	CASE NO. 1:05 CV 0870
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE McHARGH
)	
ADAMS MFG. CORP.,)	<u>REPORT AND RECOMMENDATION</u>
)	
Defendant.)	

On December 1, 2006, Defendant, Adams Manufacturing Corp., by and through its counsel, Lynn J. Alstadt, Duane A. Stewart III, and Buchanan Ingersoll & Rooney PC, filed a *Motion for Attorney's Fees and Expenses*, seeking attorney's fees in the amount of \$10,810.00 and total expenses in the amount of \$20.61 in connection with Defendant's Motion to Enforce Settlement Agreement.

On November 21, 2006, the Court granted in part Defendant's Motion to Enforce Settlement Agreement and awarded Defendant fees associated with the filing of the Motion to Enforce Settlement. Defendant was directed to file a Motion for Fees with the Court and attach an itemized list of expenses incurred in furtherance of its Motion to Enforce Settlement, supported by affidavit. Plaintiff was provided two weeks from the date of Defendant's submission of its Motion for Fees to file an objection.

On December 1, 2006, Defendant filed its *Motion for Attorney's Fees and Expenses*, supported by affidavit, itemizing a list of expenses incurred in furtherance of its Motion to Enforce Settlement. The records disclose a total of 15.3 hours expended by Mr. Alstadt, at a billing rate of \$295.00 per hour, and a total of 25.7 hours expended by Duane A. Stewart III, at a billing rate of \$240.00 per hour. The records disclose total expenses in the amount of \$20.61 associated with

Defendant's Motion to Enforce Settlement. In the absence of any assertions to the contrary, the supporting Declaration establishes that the services provided were reasonable and necessary in the prosecution of Defendant's Motion to Enforce Settlement, the hourly billing rates charged for the services rendered are the generally prevailing rates in this locality for attorneys of comparable standing and experience, and the hourly billing rates charged to Defendant are the normal and customary rates charged to Defendant for other matters.

Plaintiff did not file an opposition to Defendant's *Motion for Attorney's Fees and Expenses*.

Based on the foregoing, the Magistrate Judge recommends Defendant's *Motion for Attorney's Fees and Expenses* be GRANTED and Defendant be awarded attorney's fees in the amount of \$10,810.00 and costs in the amount of \$20.61.

s/ Kenneth S. McHargh
Kenneth S. McHargh
United States Magistrate Judge

Date: January 5, 2007

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of mailing of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).